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1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 - - - - - x

4 In the Matter of:

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6 SECURITIES INVESTOR PROTECTION CORP, Adv. No. 08-01789 (SMB)

7 Plaintiff,

8 v.

9 BERNARD L. MADOFF INVESTMENT SEC.,

10 Defendant.

11 - - - - - x

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13 U.S. Bankruptcy Court

14 One Bowling Green

15 New York, NY 10004

16

17 October 26, 2016

18 10:06 AM

19

20 B E F O R E :

21 HON STUART M. BERNSTEIN

22 U.S. BANKRUPTCY JUDGE

23

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1 Hearing re: Motion to approve trustee's motion and
2 memorandum of law to affirm his determinations denying
3 claims of claimants holding interests in AHT Partners,
4 Pergament Equities LLC, SMT Investors LLC, Greene/Lederman,
5 LLC and Turbo Investors LLC

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25 Transcribed by: Jamie Gallagher

Page 3

1 A P P E A R A N C E S :

2 BAKER HOSTETLER LLP

3 Attorney for the Trustee

4 45 Rockefeller Plaza

5 New York, NY 10111

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7 BY: AMY E. VANDERWAL, ESQ.

8

9 SECURITIES INVESTOR PROTECTION CORPORATION

10 General Counsel

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12 Suite 1000

13 Washington, DC 20006

14

15 BY: KEVIN BELL, ESQ.

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1 P R O C E E D I N G S

2 THE COURT: Madoff.

3 MS. VANDERWAL: Good morning, Your Honor.

4 THE COURT: Good morning.

5 MS. VANDERWAL: Amy Vanderwal for the Madoff
6 Trustee.

7 We're here today on the trustee's motion to affirm
8 the determination of 20 claims which were filed by claimants
9 to invested in five limited liability companies registered
10 in Delaware, Florida, and Virginia. The objecting claimants
11 invested money in these LLCs. They did not invest directly
12 with BLMIS. They did not entrust their own assets to BLMIS
13 for the purposes of trading and securities.

14 So the denial of these claims is consistent with
15 many prior decisions of this Court, as well as Cruise and
16 Morgan Kennedy in the Second Circuit. No objections were
17 received. So pending any questions, we respectfully request
18 that the motion be granted.

19 THE COURT: Okay. Does anyone else want to be
20 heard in connection with this application?

21 MR. BELL: SIPC supports the trustee's motion,
22 Your Honor.

23 THE COURT: All right. I will grant the motion
24 since these claimants didn't entrust any money to Madoff.
25 They entrusted it to funds and, I guess, pension plans also

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1 that invested with Madoff, so they're not customers entitled
2 to relief under SIPA. You can submit an order. Off the
3 record, did you come up just for this?

4 MR. BELL: Your Honor, we made an appearance by
5 filing a memorandum and Mr. Kelly was supposed to come, but
6 his wife is due any minute. So --

7 THE COURT: All right. I mean, the reason I have
8 these, there are a lot of individuals and you never know
9 when an individual is going to show up.

10 MR. BELL: Well, the next one I think that we just
11 filed has some pro se's so --

12 THE COURT: Well, there are a lot of -- I looked
13 at the list. There are always individuals involved in this.

14 MR. BELL: There are other things I will do when
15 I'm here so, thank you, Your Honor.

16 THE COURT: All right. Good.

17 MS. VANDERWAL: Thank you, Your Honor.

18 THE COURT: All right. So you can submit an
19 order.

20 MS. VANDERWAL: I'll do that. Thanks.

21 MR. BELL: Thank you, Your Honor.

22 (Whereupon these proceedings were concluded at 10:08
23 AM)

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1 I N D E X

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3 RULINGS

4 PAGE

5 Motion to approve trustee's motion and memorandum of 4

6 law to affirm his determinations denying claims of

7 claimants holding interests in AHT Partners,

8 Pergament Equities LLC, SMT Investors LLC,

9 Greene/Lederman, LLC and Turbo Investors LLC

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1 C E R T I F I C A T I O N

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3 I, Jamie Gallagher, certify that the foregoing transcript is
4 a true and accurate record of the proceedings.

5 Jamie
6 Gallagher


Digitally signed by Jamie Gallagher
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Date: 2016.10.28 14:36:07 -04'00'

7 Jamie Gallagher

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10 Date: October 28, 2016

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